### CITY COUNCIL MINUTES



August 20, 2020 6:00 P.M. Medford City Hall, Council Chambers 411 W. 8<sup>th</sup> Street, Medford, Oregon

The regular meeting of the Medford City Council was called to order at 6:00 p.m. in the Medford City Hall Council Chambers on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Kay Brooks, Tim D'Alessandro, Dick Gordon, Eric Stark\*, Kevin Stine, Michael Zarosinski; Councilmember Poythress was absent.

City Manager Brian Sjothun; City Attorney Rick Whitlock; Deputy City Recorder Winnie Shepard

#### 20. Recognitions, Community Group Reports

#### 20.1 Employee Recognitions

Although not present, Norma Hollands, WRD Administrative Support Technician, was recognized for her years of service.

#### 20.2 Team Awards

Divya Fisher, Darrel Graham, and Emmily Greb were presented Team Awards for their puzzle piece shaped acrylic award.

#### 20.3 Friends of Medford Parks & Recreation Awards

Al Densmore, Dennis Murphy, Ed Singler, Cow Creek Band of Umpqua Indians, Table Rock Sports, and Rogue Valley BMX received awards and recognition as Friends of Medford Parks & Recreation.

#### 30. Oral Requests and Communications from the Audience

- 30.1 Shannon Housley, Medford, spoke regarding nuisances from a neighbor's Airbnb. She requested assistance to remedy the situation.
- 30.2 Steve Fry, Fry Family Farms, voiced concerns regarding protesters with megaphones near the growers market.
- 30.3 Peter Turo, Phoenix, outlined his frustrations regarding the Governor's COVID-19 safety requirements.
- 30.4 Dr. John Sanker, outlined a variety of health concerns he attributed to wearing the required face coverings.

#### **40.** Approval or Correction of the Minutes of the August 6, 2020 Regular Meeting There being no additions or corrections, the minutes were approved as presented.

#### 50. Consent Calendar

None.

#### 60. Items Removed from Consent Calendar

None.

#### 70. Ordinances and Resolutions

#### 70.1 COUNCIL BILL 2020-109

AN ORDINANCE granting to Cellco Partnership d/b/a Verizon Wireless, its successors and assigns, the non-exclusive privilege ("Franchise") to use the public way to locate, construct, install, replace, operate and maintain facilities within the City of Medford.

City Attorney Rick Whitlock noted that franchise agreements ensure compliance with the small cell development standards established within the Code.

Motion: Approve the ordinance.

Moved by: Kevin Stine <u>Seconded by</u>: Tim D'Alessandro

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Stark, Stine, and Zarosinski

voting yes.

Ordinance 2020-109 was duly adopted.

#### 70.2 COUNCIL BILL 2020-110

A RESOLUTION authorizing the signing of checks, check-warrants and warrants of the City of Medford by Ryan Martin, as Chief Financial Officer, and Winnie Shepard, as Acting City Recorder of the City of Medford, effective October 1, 2020.

Motion: Approve the resolution.

Moved by: Tim D'Alessandro Seconded by: Kevin Stine

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Stark, Stine, and Zarosinski

voting yes.

Resolution 2020-110 was duly adopted.

Mayor Wheeler read a statement regarding public hearings.

#### 80. Public Hearings

## AN ORDINANCE amending Sections 10.012, 10.185, 10.421, 10.482, 10.924, and 10.925 of the Medford Municipal Code, and adding Section 10.503, pertaining to

Shared-Use Paths. (DCA-18-112) (Land use, Legislative)

Principal Planner Carla Paladino presented a PowerPoint outlining the proposed code amendments regulating shared-use paths. (PowerPoint attached.)

Public hearing opened.

No one spoke.

Public hearing closed.

Motion: Approve the ordinance.

Moved by: Kay Brooks Seconded by: Kevin Stine

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Stark, Stine, and Zarosinski

voting yes.

Ordinance 2020-63 was duly adopted.

#### 80.2 COUNCIL BILL 2020-111

AN ORDINANCE approving an amendment to the Medford Comprehensive Plan, to adopt the Urbanization Plan for planning unit MD-3a into the Neighborhood Element for twelve tax lots located between Coker Butte Road and Owen Drive and east of Springbrook Road. (Tax lots 300, 400, 500, 600, 700, 800, 900 and 1000 of 37-1W-08; and 100, 200, 300 and 400 of 37-1W-08BA). (UP-20-95) (Land Use, Legislative)

\*Councilmember Stark noted a conflict of interest with 80.2 and 80.3 and left the dais at 6:47 p.m.

Ms. Paladino presented a PowerPoint regarding the proposed amendment to the Medford Comprehensive plan. (PowerPoint attached.)

Councilmember Gordon voiced concerns regarding the traffic in the area, noting a lack of connector streets to Highway 62.

Public hearing opened.

Applicant Jay Harland, CSA Planning, spoke in favor of the amendment. He responded to Councilmember Gordon's concern, noting that connectivity is planned for the development.

Public hearing closed.

Motion: Approve the ordinance.

Moved by: Kevin Stine Seconded by: Dick Gordon

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Stine, and Zarosinski voting yes.

Ordinance 2020-111 was duly adopted.

#### 80.3 COUNCIL BILL 2020-112

AN ORDINANCE proclaiming annexation to the City of Medford of approximately 79.6 acres of property located approximately 640 feet to the east of Springbrook Road, between Owen Drive and Coker Butte Road, and approximately 186 feet of the abutting right-of-way along Coker Butte Road. The proposed annexation would change County zoning designations of Exclusive Farm Use (EFU) to the City holding zoning designation of SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot), and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-094) (Land Use, Quasi-Judicial)

Mr. Whitlock advised that Council Bill 2020-112 was a quasi-judicial hearing and outlined the quasi-judicial hearing process.

Ms. Paladino presented a PowerPoint regarding this annexation. (PowerPoint attached). Staff requested that Council hold the public hearing but leaving the written record open for three consecutive periods ending November 19. The hearing would be continued to December 3, 2020 for deliberation and decision.

Public hearing opened.

Mayor Wheeler advised that Council must disclose any ex parte communication, the nature of the contact and whether it would bias their opinion in this matter.

The applicant Jay Harland, CSA Planning, explained the UGB expansion crossed through these properties and delayed the annexation process.

Mayor Wheeler noted the record would remain open after the public hearing was closed.

Public hearing closed.

<u>Motion</u>: Leave the record open for three consecutive periods with the restrictions described by staff and continue Council Bill 2020-112 to December 3, 2020.

Moved by: Tim D'Alessandro

Seconded by: Kay Brooks

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Stine, and Zarosinski voting yes. Council Bill 2020-112 was continued to December 3, 2020.

#### 90. Council Business

90.1 Proclamations issued

None.

<sup>\*</sup>Councilmember Stark returned to the dais at 7:18 p.m.

#### 90.2 Committee Reports and Communications

a. Council Officers Update

Councilmember Stine advised that comments or questions regarding Circle K should be directed to legal staff.

The Police Department has been picking up garbage in specific areas, but not conducting sweeps or making arrests.

Council had received a request for the ability to write political statements in chalk on sidewalks for making political statements.

Motion: Direct staff to grant the organization's request.

Moved by: Kevin Stine Seconded by: Kay Brooks

Councilmember Brooks voiced concerns regarding potential violations by children. Mr. Whitlock explained that the City does not enforce the restrictions against children.

Council discussed the respectful and considerate nature of the request and potential concerns due to free speech rights and establishing a precedent with the City's inability to regulate offensive and inappropriate language. Mr. Whitlock advised that the Oregon Constitution grants the public's right to free speech and the City can only restrict the time, place and manner, but not the content in any medium.

Roll call: Councilmembers Bearnson, Brooks, and Stine voting yes; Councilmembers Tim D'Alessandro, Gordon, Stark and Zarosinski voting no.

Motion failed.

Mr. Sjothun stated the concern voiced by Mr. Fry during the oral comments had been resolved. The amplification permit for the group had been revoked.

#### 100. City Manager and Staff Reports

#### 100.1 CDBG CARES Act Progress – Principal Planner Angela Durant

Principal Planner Angela Durant presented a PowerPoint outlining the progress of the CDBG CARES Act funding. (PowerPoint attached.) She noted that Childcare Resource Network will assist with the childcare assistance, the funds are for COVID related expenses and there are regulations on how the money is spent. The housing funds are being distributed through agencies to those that need it.

Councilmember Bearnson distributed a letter he received in January of 2020 and asked if Council would respond to the questions in the letter.

#### 110. Adjournment

There being no further business, this Council meeting adjourned at 8:03 p.m.

The proceedings of the City Council meeting were recorded and are filed in the City Recorder's Office. The complete agenda of this meeting is filed in the City Recorder's Office.

Winnie Shepard, CMC Deputy City Recorder

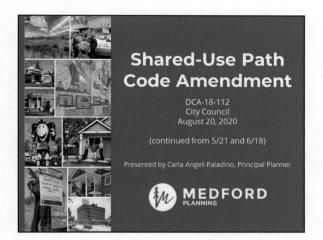
#### Attachments:

80.1 PowerPoint - Shared-Use Paths

80.2 PowerPoint - Comprehensive Plan

80.3 PowerPoint - Annexation

100.1 PowerPoint - CDBG CARES

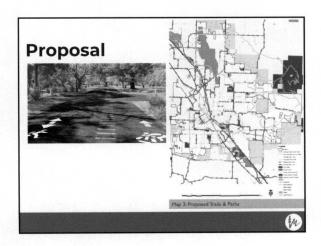


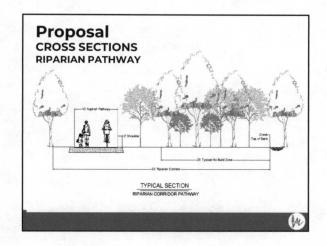
#### **Presentation Overview**

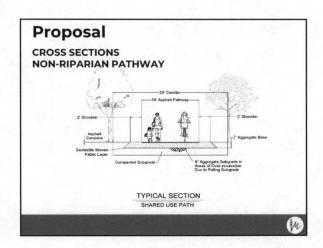
- · Summarize proposal
- Clarify maintenance responsibilities
- Recommended Council Action



AM









#### **Guidance on Maintenance**

#### Example #1

- Along collector and arterials where there are no bike facilities present, a shared use path in the r-o-w would be maintained by the Public Works Department
  - East McAndrews Road
  - Biddle Road



#### **Guidance on Maintenance**

#### Example #2

- Where there are no dedicated bike facilities in the r-o-w on a collector or arterial, an off-road shared use path that serves as the bicycle facility, would also be maintained by the Public Works Department
  - Larson Creek Greenway



#### **Larson Creek Greenway**





#### **Guidance on Maintenance**

#### Example #3

- Other off-road paths that serve as recreational facilities would be maintained by the Parks, Recreation and Facilities Department
  - Bear Creek Greenway
  - Lazy Creek Greenway

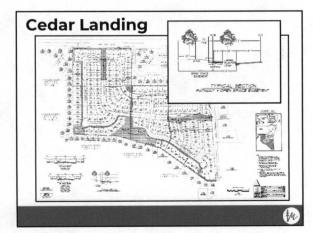


#### **Guidance on Maintenance**

#### Example #4

 Enhanced or widened sidewalks installed in lieu of a shared-use path would be maintained by Public Works, provided that they are concrete and not asphalt





#### Recommended City Council Action

Adopt the ordinance (Council Bill #2020-63)

Direct staff to bring forward an amendment by the end of the year to Chapter 3.010 to address maintenance responsibility for paths in lieu of sidewalk in the right-of-way





#### 3.010 Owners to Maintain Sidewalks

The owners of property within the city shall inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. If any property owner by his neglect to perform any duty required of him by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and shall indemnify the city for all damages it has been compelled to pay in such case. Such damages may be collected in a civil action against the property owner.



#### **Presentation Overview**

- · Authority & Criteria
- Proposal
- Background
- Recommended Council Action





# **Authority** PLANNING COMMISSION

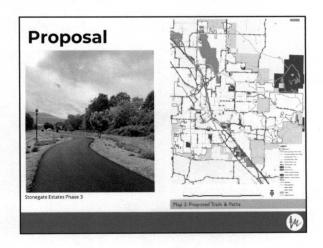
#### Criteria

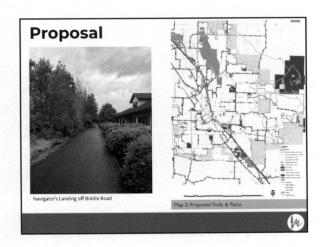
Section 10.218 **Land Development Code Amendment** 

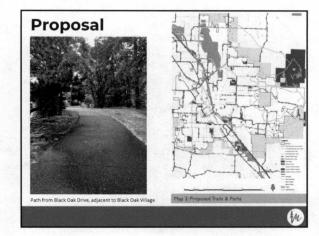
- Explanation of the public benefit of the amendment.
- The justification for the amendment with respect to the following factors:
  - Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.
  - 2. Comments from applicable referral agencies regarding applicable statutes or regulations
  - 3. Public Comments
  - 4. Applicable governmental agreements.











#### **Proposal**



- Definition
- Design Standards
- Construction Specifications
- Cross Sections
- Landscape Standards
- Shared Use path sidewalks

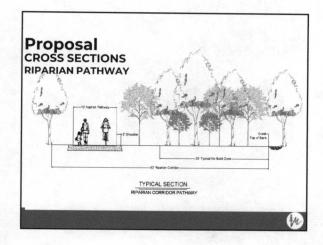
#### **Proposal**

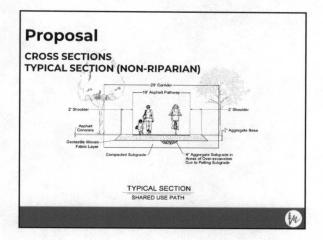


Amendments to ... Public Improvement Standards and Plans – Lists shared use paths as public improvements and includes what is needed on public improvement plans related to shared use paths

Riparian – Paths within riparian areas are not required to go through CUP when reviewed in conjunction with other land use applications







#### **Background**

- Parks Department hired a consultant to draft design standards for shared-use paths
- · Planning Commission initiated the code amendment
- Planning, Parks, and Public Works staff worked with the consultant to integrate the proposed standards into the MLDC



Background	-
Extensive review by  City departments, Planning, Parks, Public Works, Legal	
MWC and other utilities & service providers	
Appointed & elected bodies including BPAC, PC, Council	
Development community	
₩	
PC Recommendation	
Diaming Commission forwarded a favorable	
Planning Commission forwarded a favorable recommendation of the code amendment to the	
City Council	
M.	
Recommended City Council	
Action	
Adopt the ordinance (Council Bill #2020-63)	
(M)	



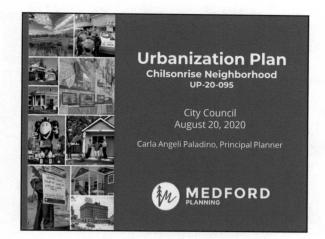
SPRI	NGB	ROOK	PARK	PUD

#### PATHWAY REQUIRED (PUD-18-031)

At the request of the City's Parks Department – citing the property as part of the Citywide Path and Trail Network found in the City's Leisure Services Plan – the submitted tentative plat identifies a 20-foot wide pedestrian easement running from the future segment of Springbrook Road and terminating at the westerly boundary of the subject site. As per the report submitted by the Parks Department (Exhibit Q), a public access easement, public right-of-way dedication, or fee ownership land dedication to the City of Medford for the proposed pathway location will be required. The pathway will be no less than 20-feet in width to allow for a 10-foot paved pathway and 5-foot buffer on each side, and if the applicant opts for the pathway as a public







#### **Presentation Overview**

- Proposal
- · Authority and Criteria
- Property Details and Characteristics
- · Urbanization Planning Details
- · Agency & Public Comments
- PC Recommendation & Council Action



#### **Proposal**

- Legislative amendment
- Adopting an Urbanization Plan
- Annexation filed concurrently

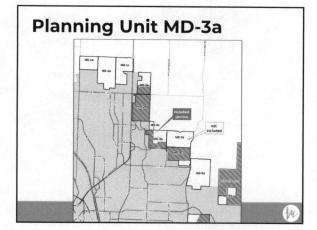


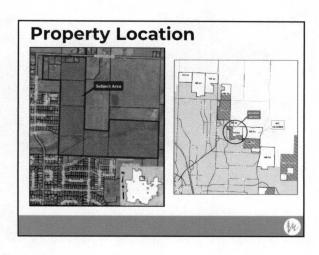
Purpose of Urbanization Plans "To adopt land use and circulation maps that assure that the Regional Plan Element (RPE) requirements under section 4.1.8 are being met for all areas added to the urban area from the urban reserve before the land can be annexed."	
<b>W</b>	
Authority  • Type IV Land Use Action	
Planning Commission makes a recommendation	
City Council makes the final decision	
<b>₩</b>	
Approval Criteria	
Comprehensive Plan  Neighborhood Element  Urbanization Planning Chapter	
Section 5 - PLAN CONTENTS	
Section 6 – GLUP AMENDMENTS	

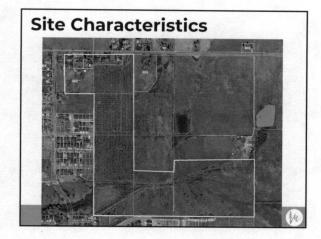
#### **General Background**

- CC Adopts UGB Expansion in 2016
- State acknowledges expansion in June 2018
- Urbanization Planning adopted in December 2018









#### **Property Ownership**

• Owners: 9 total

• Applicants: Veritas Properties, LLC

Steven Skinner

• Agent: Jay Harland, CSA Planning

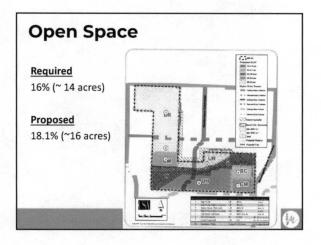
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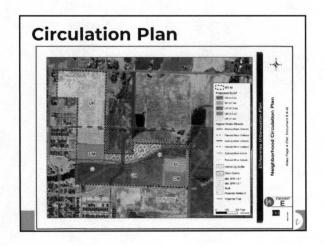
#### **Urbanization Plan Details**

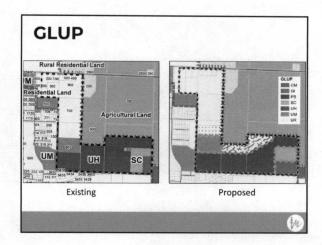
- Minimum residential density
- Higher-order street locations
- Open space requirements
- GLUP modifications

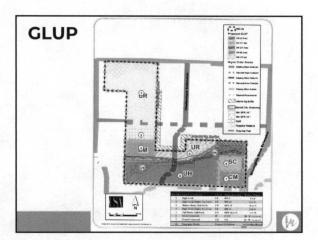


# • 443 dwelling units









#### **Agency Comments**

- Public Works Engineering (Exhibit F)
- Jackson County Roads (Exhibit G)
- Rogue Valley Sewer Service (Exhibit H)
- Parks and Recreation
   (Exhibit I)
- Medford Water Commission (Exhibit J)
- Medford Building Safety (Exhibit K)
- Medford Fire-Rescue
   (Exhibit L)

Pgs. 125-137



#### **Public Comments**

- Letter of support from Fair Housing Council of Oregon (Exhibit S)
- Email from Connie Marmet-Baldwin and Daniel R. Baldwin (Exhibit T)



#### **PC Recommendation**

Voted 9-0 in favor of approving the proposal



#### **City Council Action**

Approve the ordinance adopting the MD-3a Urbanization Plan (Exhibit B) into the Comprehensive Plan per the Council Report dated August 13, 2020, including all Exhibits (A-U)



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#### **Recommendation Motion**

I move we approve the ordinance incorporating the MD-3a Urbanization Plan (identified as Exhibit B) into the Comprehensive Plan per the Council Report dated August 13, 2020, including all exhibits.

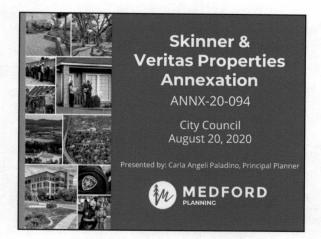


#### **Approval Criteria (abbreviated)**

#### Section 5 - PLAN CONTENTS

- 5.1 RPS Density Requirements
- 5.2 Transportation Planning: A neighborhood circulation plan map
- $\bf 5.3$  Compliance with the open space allocation for an urban reserve area
- **5.4** Compliance with the requirements of Regional Plan Element, Section 4.1.6, for mixed-use/pedestrian-friendly development and any specific land use performance obligation.

#### **Approval Criteria (abbreviated) Section 5 - PLAN CONTENTS** 5.5 Preliminary coordination and discussions with public utility providers, including water, sewer, transportation, and irrigation districts. 5.6 Location or extensions of riparian corridors, wetlands, historic buildings or resources, and habitat protections and the proposed status of these elements. 5.7 Compliance with applicable provisions of the Urban Growth Management Agreement. **5.8** Compliance with the terms of special agreements between the landowners and other public entities **Approval Criteria (abbreviated) Section 5 - PLAN CONTENTS 5.9** Coordination with the Parks and Recreation Department for adherence to the Leisure Service Plan related to open space acquisition and proposed trail and path locations. 5.10 Vicinity map **5.11** Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed. **5.12** Existing easements of record, irrigation canals, and structures. 5.13 Areas designated as unbuildable per the Urban Growth Boundary 5.14 Contour lines and topography. **Approval Criteria Section 6 - GLUP AMENDMENTS** 6.1.1 Minor Spatial Adjustments 6.1.2 Moderate Spatial Adjustments 6.1.3 Complex Spatial Adjustments



#### **Presentation Overview**

- Proposal
- · Applicable Criteria
- Property Details
- Findings and Conclusions
- CC Action



#### **Proposal**

- Annexation of property and adjacent right-of-way totaling 79.6 acres
- Property located south of Coker Butte Road and north of Owen Drive





#### **Procedural Type & Criteria**

Type IV – Quasi-Judicial Proposal must comply with Section 10.216(D):

- 1. The land is within the City's Urban Growth Boundary.
- 2. The land is contiguous to the current city limits.
- Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.
- For land added to the UGB from the Urban Reserve, all of the applicable conditions in Section 2.1.7 of the Urbanization Element of the Comp. Plan have been met.



#### **Applicants and Agent**

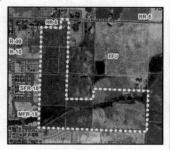
**Steven Skinner and Veritas Properties LLC**, Property Owners

**Jay Harland, CSA Planning**, Agent



#### **Site Details**

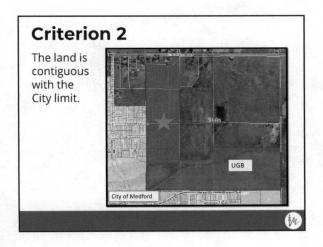
- Existing Zoning: Exclusive Farm Use
- Interim Zoning: SFR-00 Holding Zone
- General Land Use: UR, UM, UH, SC, CM
- Future Residential Zones: SFR-6, SFR-10, MFR-15, & MFR-20





# Right-of-way Coker Butte Road 2012 2013 2013 2013

a	MAP A 1	
Criterion 1	City Council Expansion Area Boundary Selection	
The land is	Total: 1658  @ Special Are Services  University	
located within the	Charles to Charles Control business	
City's Urban		
Growth Boundary.		
	Rodbed	
	12 - 1-1	
	- F2	
	1	
	9 15 1 Matter	
	e e e	



#### **Criterion 3**

- Owners have requested annexation
- No residents/electors are present on the property

Cens	DENTIAL us Form	
Aggress NHN Coker Butte Rd/Hondeleau Lane/Owen Dr.		
AM NO REPLIENCES C	R ELECTORS PRESENT **	
Hoxeling Type:	Tenure	
G. Sings unit Structure	Q. Owner Occupied	
Multiple thre Structure	G Renter Occupied	
D. Trafer or Motale Home	Q Vecant	
	G Sesonal	
Residents: Last Name	Sint Name	
Respondent: 1)		
4)	( )	
3)		
4)		
9		
6)		
7)		
8)		
9)		
10)		
POPULATION I PORTLAND S	RESEARCH CENTER TATE UNINFRSITY 725-1922	

Criterion 4

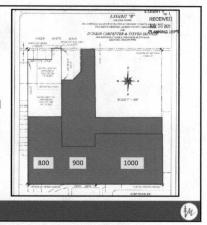
Properties comply with Urbanization Element:

- TSP adopted
- · LWI adopted
- Urbanization Plan adopted
- No special agreements apply



#### County Actions

 Adjustments needed between TLs 800, 900, and 1000



#### **City Council Action**

- Council is requested to:

  Open the Public Hearing, Hear Testimony and then close the hearing
- · Keep the Record open

  - October 22, 2020 (4 p.m.)
    October 29, 2020 (4 p.m.)
    November 5, 2020 (4 p.m.) (if necessary)
- Continue the hearing until Nov. 19, 2020



#### **City Council Action**

Council is requested to:

- Open the Public Hearing, Hear Testimony and then close the hearing
- Keep the Record open
   November 5, 2020 (4 p.m.)

  - November 12, 2020 (4 p.m.) November 19, 2020 (4 p.m.) (if necessary)
- Continue the hearing until Dec. 3, 2020





#### **City Council Motion**

I move to close the public hearing, to leave the record open for three consecutive periods closing on:

- October 22nd, October 29th, & November 5<sup>th</sup>

as described by staff, and to continue the matter until November 19, 2020, for deliberation and decision.



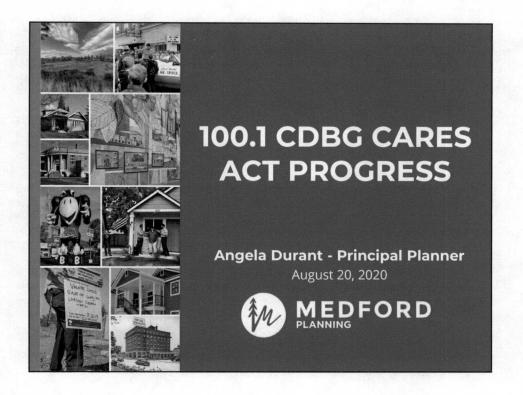
#### **City Council Motion**

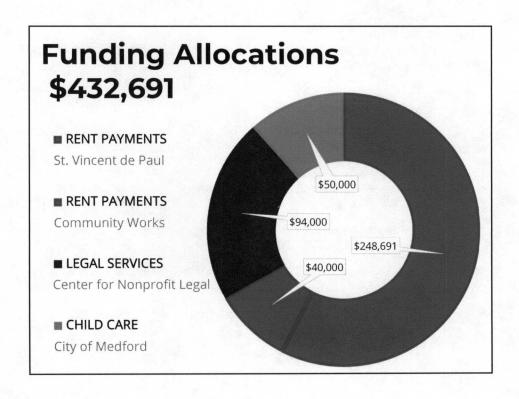
I move to close the public hearing, to leave the record open for three consecutive periods closing on:

- November 5<sup>th</sup>, November 12<sup>th</sup> & November 19th

as described by staff, and to continue the matter until December 3, 2020, for deliberation and decision.







#### **Progress Summary**

- ✓ Council approved funding allocations on June 18, 2020
- ✓ HUD approved federal funding agreement on July 24, 2020
- ✓ City executed funding agreements with:







#### **Progress Summary**

- ✓ Agencies established program guidelines and eligibility procedures
- ✓ HUD published CDBG CARES Act Guidance on August 11, 2020





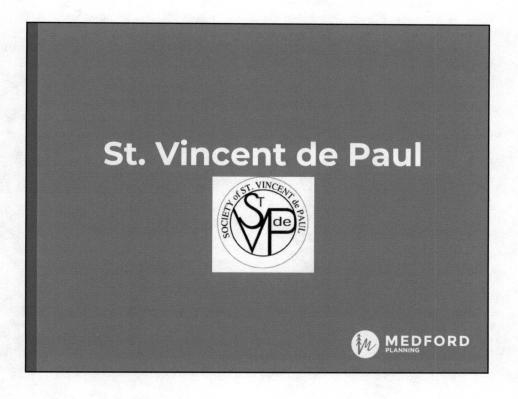
Subject to additional measures



6 months emergency payments now allowed



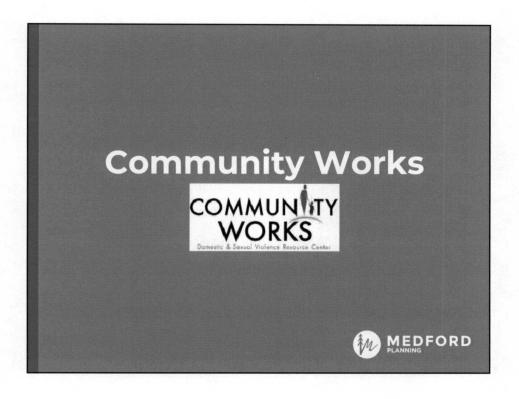
Potential for 3<sup>rd</sup> CDBG-CV allocation



#### COVID-19 Rent Relief Program \$248,691

- Launched program on August 10, 2020
- 6 cases in progress
- 8 Non-COVID cases completed





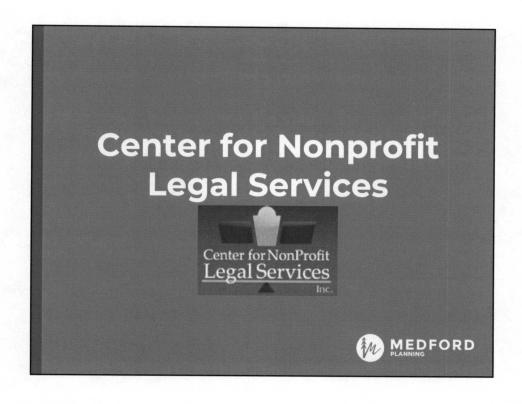
#### **Emergency Rent Payments** \$40,000

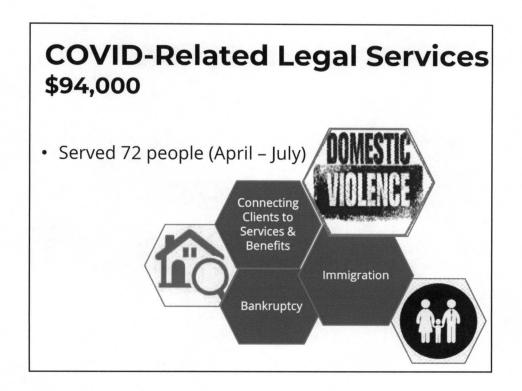
Currently spending Continuum of Care funds

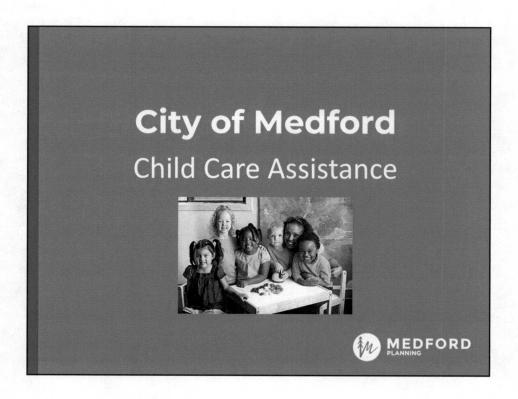
<u>Council Vision Funds</u> = 189 nights of safety in hotels

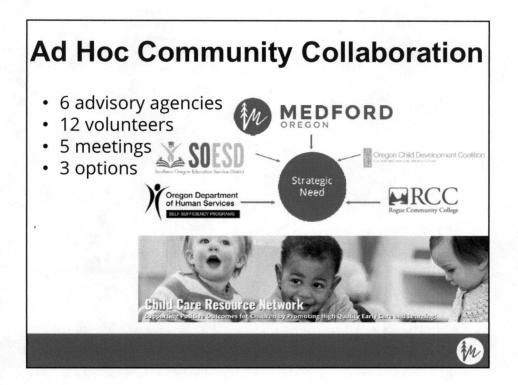
- 11adults
- · 21 children
- 3 service animals











#### **Primary Objectives**

#### Be Equitable!

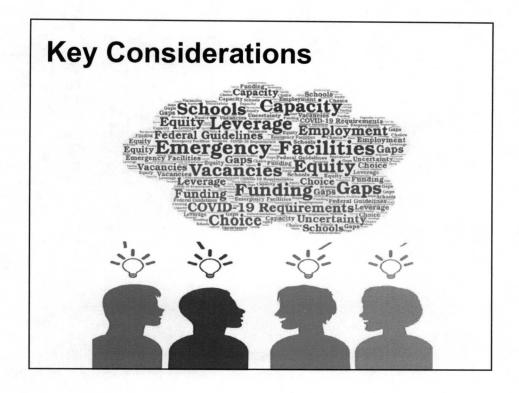
- Serve as many families as possible
- Consider non-English speaking families
- · Promote DHS-approved providers
- · Establish clear program criteria
- Work collaboratively



#### **Strategic Options**

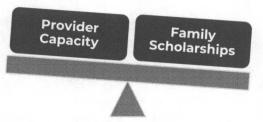
- Scholarships through DHS' Employment Related Day Care (ERDC) Program offering "vouchers" to families
  - Launch a general request for proposals
  - Conduct child care provider survey to learn more about the need for scholarships versus provider capacity building





### Valuable Leverage Funds \$50,000

 City Council Vision Funds of \$100,000 for scholarships tipped the scale



 Approved for recommendation by the Community Development Grants Commission on August 5, 2020



#### **Next Steps**



Continue to collaborate with the Early Care and Education Workforce Committee to score and rank applications



Bring recommendations back to Council for final approval

